APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,889	11/22/1999	MICHAEL G. MIKURAK	AND1P367	9216

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EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/444,889	Applicant(s) MIKURAK, MICHAEL G.
	Examiner Beth Van Doren	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2002* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   The following is a non-final/Final office action in response to communications received

on 10/17/02. Claims 1, 6, 11, 12, and 13 have been amended. Claim 16 has been canceled.

Claims 1-15 are now pending in the application.

Response to Amendment

2.   Examiner acknowledges the Applicant's amendment to the title.

3.   Applicant's amendment of the specification is sufficient to overcome the drawing

objections set forth in the previous office action.

4.   Applicant's cancellation of claim 16 is sufficient to overcome the claim objections set

forth in the previous office action.

5.   Applicant's amendment to claims 11-13 is sufficient to overcome the 35 USC § 101 and

35 USC § 112, second paragraph, rejections set forth in the previous office action.

6.   Applicant's amendment to claims 1 and 6 are sufficient to overcome the 35 USC § 112,

second paragraph, rejections set forth in the previous office action.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feidelson et

al. (U.S. 6,345,261).

8.   As per claim 1, Feidelson et al. teaches a method for administrating an e-commerce

system in a network-based supply chain, comprising the steps of:

(a)   monitoring operation of entities selected from the group consisting of server processes,

disk space, memory availability, CPU utilization, access time to a server, and a number of

connections in a network-based supply chain for efficient system operation (See column 5, lines

20-31 and 38-59, and column 13, lines 28-29, which discuss a system administrator monitoring

the operation of a system such as load balancer, server, file transfer protocols, etc.);

(b)   updating items selected from the group consisting of merchandising content, currency

exchange rates, tax rates, and pricing in the network-based supply chain at predetermined

intervals (See column 5, lines 48-59 and 65-67, column 6, lines 1-2, column 8, lines 50-67,

column 9, lines 13-20, and column 11, lines 51-60, wherein merchandising content, exchange

rates, and pricing in the network based supply chain are updated to show members the

availability of products and funds amounts in the network based supply chain);

(c)   synchronizing external data stored separately from the network-based supply chain with

internal data stored on the network-based supply chain in order to make the external data

accessible to the rest of the network-based supply chain system (See column 9, lines 29-51,

column 10, lines 25-35, column 11, lines 8-13, 20-30, and 51-60, and column 14, lines 60-65,

which disclose that the data stored on the internal central system of the supply chain is updated

and synchronized with the external data of the merchant and member systems. By doing so, the

external data is accessible consistently throughout the system);

(d)   managing contact information received from users of the network-based supply chain to

allow responses to user interactions and registrations (See at least column 5, lines 60-65, column

8, lines 1-5 and 45-50, column 9, lines 23-28, column 10, lines 10-20, and column 11, lines 30-39, which discuss a member user registering with the system and this registration information (which includes contact information) being managed by the system. The member user then interacts with the system, these interactions being tracked, and the system responds to the user based on these tracked interactions); and

(e)   altering the items based on profiles of the users of the network-based supply chain (See column 5, lines 38-46 and 65-67, column 6, lines 1-2 and 21-24, column 8, lines 50-67, column 9, lines 23-28, column 11, lines 60-66, column 12, lines 54-64, wherein the items are altered based on the profile of the member user interacting with the network based supply chain).

However, Feidelson et al. does not expressly disclose (a) monitoring the operations of the network specifically for problem prevention or (d) responding specifically to user feedback.

It is old and well known that the job of a system administrator is to monitor the operation of the entities of the network for network efficiency and problem prevention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the system administrator of Feidelson et al. that is monitoring the operation of the entities of the network monitor these entities for the purpose of network efficiency and problem prevention in order to increase the quality and performance of the network based supply chain.

Furthermore, Fieldson et al. teaches responses being sent to users that embody the tracked information about the interactions of said users as well as the requested registration forms filled out and fed back into the system by said users. Feedback, as recited in the limitation of claim 1, is nothing more than data input by a user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include feedback in the input and

interactions to which the system of Feildson et al. responds in order to increase the user

friendliness of the system by increasing its ability to interact with a member user.

9.   As per claim 2, Feidelson et al. discloses a method further comprising the step of

performing load balancing services that initiate and stop processes as utilization levels vary in

the network-based supply chain (See column 5, lines 38-47, which discloses load balancing

services that provide balancing the load taken on between servers, when needed).

10.   As per claim 3, Feidelson et al. teaches a method wherein the step of managing contact

information includes tracking the interactions of the users, these interactions causing responses

to the users of the network-based supply chain (See at least column 5, lines 60-65, column 8,

lines 1-5 and 45-50, column 9, lines 23-28, column 10, lines 10-20, and column 11, lines 30-39,

which discuss a member user registering with the system and this registration information (which

includes contact information) being managed by the system. The member user then interacts

with the system, these interactions being tracked, and the system responds to the user based on

these tracked interactions). However, Fieldman et al. does not expressly disclose the specific

response being tracked.

Fieldman et al. teaches responses being sent to users that embody the tracked information

about the interactions of said users. It would have been obvious to one of ordinary skill in the art

at the time of the invention to track the written responses of Feildson et al. while tracking the

interactions of the member users that cause these written responses in order to increase the

comprehensiveness of the data records stored about the member users.

11.   As per claim 4, Feidelson et al. discloses a method wherein one of the items altered based

on the profiles of the users includes price, and the price is altered to reflect a discount assigned to

the user (See at least column 5, lines 65-67, and column 6, lines 1-2, which discusses altering

items such as price to reflect discounts promised by merchants to members).

12.   As per claim 5, Feidelson et al. teaches a method wherein prior to the synchronization of

the external data, a search is performed for the internal data in the network-based supply chain

(See column 9, lines 29-51, column 10, lines 25-35, column 11, lines 8-13, 20-30, and 31-60, and

column 14, lines 60-65, which disclose that prior to updating the internal data with data from the

external systems, a search is performed on the internal data to see what data is needed from the

external systems).

13.   As per claims 6-10, claims 6-10 are article of manufacture versions of claims 1-5,

respectively. Since the specification provides nothing more than projected general computer

program code embodied on a general purpose computer readable medium, claims 6-10 are

rejected on the same grounds as the method of claims 1-5, respectively.

14.   As per claims 11-15, claims 11-15 are system versions of claims 1-5, respectively. Since

the specification provides nothing more than a system that is a network implemented method,

claims 11-15 are rejected on the same grounds as the method of claims 1-15, respectively.

Response to Arguments

15.   Applicant's arguments with respect to claims 1-15 have been considered but are moot in

view of the new grounds of rejection.

Conclusion

16.   No claims allowed.

17.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Peckover (U.S. 6,119,101) teaches a supply chain that supplies customers with products

that includes system administrator that perform various conventional maintenance functions for

the system, such as performing backups, adding new product data, redistributing functions

between processors for load balancing, etc.

Gervais et al. (U.S. 6,381,579) teaches a network based supply chain which stores and

synchronizes profiles across the databases and has a systems administrator.

Dijker ("Careers in System Administration") discusses the role of a system administrator

in the maintenance and problem prevention of a network.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-7687 for regular

communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd
December 18, 2002